

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 MICHAEL BROWN
Deputy Attorney General
4 State Bar No. 231237
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2095
6 Facsimile: (213) 897-2804
E-mail: MichaelB.Brown@doj.ca.gov
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010-617**

13 **MILAGROS M. DELMENDO, AKA**
14 **MILAGROS MAMURIC DELMENDO,**
15 **AKA MILAGROS B. MAMURIC**
20160 Via Cellini
Northridge, CA 91326
Registered Nurse License No. 273000

A C C U S A T I O N

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about November 30, 1976, the Board of Registered Nursing issued Registered
23 Nurse License Number 273000 to Milagros Mamuric Delmendo, aka Milagros B. Mamuric
24 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
25 the charges brought herein and will expire on May 31, 2010, unless renewed.

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1 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
2 within which the license may be renewed, restored, reissued or reinstated.

3 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
4 revoke a license on the ground that the licensee has been convicted of a crime substantially
5 related to the qualifications, functions, or duties of the business or profession for which the
6 license was issued.

7 10. Section 810 of the Code states:

8 "(a) It shall constitute unprofessional conduct and grounds for disciplinary action,
9 including suspension or revocation of a license or certificate, for a health care professional to do
10 any of the following in connection with his or her professional activities:

11 ...

12 (2) Knowingly prepare, make, or subscribe any writing, with intent to present or use
13 the same, or to allow it to be presented or used in support of any false or fraudulent
14 claim.

15 "(b) It shall constitute cause for revocation or suspension of a license or certificate for a
16 health care professional to engage in any conduct prohibited under Section 1871.4 of the
17 Insurance Code or Section 549 or 550 of the Penal Code.

18 "(c) (1) It shall constitute cause for automatic suspension of a license or certificate issued
19 pursuant to Chapter 4 (commencing with Section 1600), Chapter 5 (commencing with Section
20 2000), Chapter 6.6 (commencing with Section 2900), Chapter 7 (commencing with Section
21 3000), or Chapter 9 (commencing with Section 4000), or pursuant to the Chiropractic Act or the
22 Osteopathic Act, if a licensee or certificate holder has been convicted of any felony involving
23 fraud committed by the licensee or certificate holder in conjunction with providing benefits
24 covered by worker's compensation insurance, or has been convicted of any felony involving
25 Medi-Cal fraud committed by the licensee or certificate holder in conjunction with the Medi-Cal
26 program, including the Denti-Cal element of the Medi-Cal program, pursuant to Chapter 7
27 (commencing with Section 14000), or Chapter 8 (commencing with Section 14200), of Part 3 of
28 Division 9 of the Welfare and Institutions Code. The board shall convene a disciplinary hearing to

1 determine whether or not the license or certificate shall be suspended, revoked, or some other
2 disposition shall be considered, including, but not limited to, revocation with the opportunity to
3 petition for reinstatement, suspension, or other limitations on the license or certificate as the
4 board deems appropriate.”

5 11. Section 125.3 of the Code provides, in pertinent part, that the
6 Board/Registrar/Director may request the administrative law judge to direct a licensee found to
7 have committed a violation or violations of the licensing act to pay a sum not to exceed the
8 reasonable costs of the investigation and enforcement of the case.

9 **FIRST CAUSE FOR DISCIPLINE**

10 (Conviction of Substantially Related Crime)

11 12. Respondent is subject to disciplinary action under section 490 and 2761(f), as defined
12 in California Code of Regulations, title 16, section 1444, in that on or about February 2, 2010,
13 Respondent was convicted of a crime substantially related to the qualifications, functions or
14 duties of a registered nurse. The circumstances are as follows:

15 A. On or about February 2, 2010, in a criminal proceeding entitled *The People of the*
16 *State of California vs. Milagros Mamuric Delmendo* in Los Angeles County Superior Court, Case
17 No. BA332012, Respondent was convicted of violating Penal Code 487 (grand theft), a felony.
18 Respondent was convicted of violating Welfare and Institution code section 14107 subdivision
19 (b)(4)(A) (medical fraud), a felony. Respondent was convicted of violating Penal code section
20 550 (insurance fraud), a felony. Respondent was convicted of violating Welfare and Institution
21 code section 14107.2 subdivision (b) (pay kickback, bribes), a felony.

22 B. The circumstances of the conviction are that between January 1, 2004 to September 1,
23 2007, Respondent paid cappers a kickback in exchange for the referral of Medi-Cal beneficiaries'
24 enrollment in Respondent's hospice care facility. Respondent agreed to pay each beneficiary a
25 kickback for their initial and continued enrollment in Respondent's hospice care facility.
26 Respondent aided and abetted to defraud the Medi-Cal program. Respondent knowingly and
27 willingly caused fraudulent Medi-Cal claims to be submitted for the purposes of illegally
28 obtaining reimbursement.

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